

Anti-Dumping Tribunal

others, of quasi-judicial tribunals, and this question has not yet been brought to resolution. Obviously, I can say that it would have been very much simpler in this case if it had been brought to resolution. I have an incentive to try to do this.

[*Translation*]

Mr. Fortin: Mr. Speaker, the Minister of Finance (Mr. Macdonald) stated the following this afternoon about the chairman of the Anti-Dumping Tribunal, as recorded at the last but one paragraph, at page 1 of the English version, quote:

[*English*]

While clearly in the normal course any government employee may feel compelled from time to time to deal with private interests during the working day, the number and variety of matters referred to, in my view, go beyond the normal course as contemplated by section 21(7).

● (1540)

[*Translation*]

Can the minister tell the House how many matters he is talking about and can he say when they took place? What conclusions did he draw from this period, when for example he is talking of the number and variety of the matters referred to? So, what is the number?

Mr. Macdonald (Rosedale): Mr. Speaker, I do not have the precise number, but according to my estimation I think there may be six or seven transactions, distinct cases in which the chairman of the tribunal was involved. Some press reports are somewhat different. There are six or seven distinct cases.

Mr. Fortin: Since the minister knows approximately the number of cases in which he established that there was a situation of conflict of interest, will he tell the House, in such cases, what claims had been filed with the Anti-Dumping Tribunal and what were the result of these claims? Was it in favour of the plaintiffs or of companies involved, since there is a situation of conflict of interest? The minister will now conclude that—

Mr. Macdonald (Rosedale): Mr. Speaker, I draw the hon. member's attention to the fact that this is not really a situation of conflict of interest, strictly speaking.

As I stated in the first paragraph, there is no evidence of a conflict between a sub judge matter and the private interests of the chairman or other member of that tribunal. There was a second criterion, namely that the chairman devoted the whole of his time to the performance of his official duties, and in this regard there was, in my opinion, a failure to comply with the provisions of the anti-dumping legislation. There is no conflict whatsoever between his private interests and a sub judge matter, and it is because he was attending to other matters when he was chairman. That is the conclusion I came to. It is in this perspective that I referred to the number of situations. It is not a sub judge matter, but his personal activities were involved.

Mr. Fortin: Mr. Speaker, could the Minister of Finance tell us, given the conflict of interest as regards time, whether the reason why this public servant acted in this way might be that his salary was too low? Therefore, what was the public servant's salary?

Mr. Macdonald (Rosedale): I do not think so. I believe he had a high salary. I cannot answer that question, but I believe his salary was adequate.

Mr. Fortin: But that was it?

[*English*]

Mr. Baker (Grenville-Carleton): Mr. Speaker, I hope the minister will reconsider his judgment that the position of a member of a board or commission might be in any way different in the sense of his having a diminished sense of responsibility in terms of conflict of interest. Having said that, may I ask the minister whether he would be prepared to put the matter before a committee of the House, not only for an examination of the facts in this particular case but also to look toward the future in these kinds of matters which I am sure cause embarrassment to the government and embarrassment to the public servant who does not have an opportunity to put his side of the case forward except through the words of the minister.

I think it would assist members of the House in understanding the purport of the guidelines, and would also assist the public servant and the public service generally in terms of their responsibilities. The hon. member for York-Simcoe raised that possibility, and I do not think anyone has asked the minister about that. I wonder if the minister would consider such an inquiry in view of the circumstances and looking to the future, as suggested by the hon. member for Winnipeg North Centre.

Mr. Macdonald (Rosedale): I did, indeed, consider that situation. I point out to the hon. gentleman that parliament has specifically provided a procedure for dealing with this kind of complaint against members of tribunals by providing for a reference in this kind of matter to the Canadian Judicial Council as a preliminary step to those that might be taken for their removal. In the case of members of this kind of quasi-judicial board—the situation is analogous to that of judges—the assumption was made by parliament at that time that parliament itself should not inquire into their conduct, but it was appropriate that the Canadian Judicial Council should do so.

The next question which I am sure is on the hon. member's mind is, why did we not do that in this case? Quite frankly, that would have been my preferred course of action. The difficulty was the time factor involved. The chairman was going to remain in his position for another ten to twelve days. The opinion which I received on the application of the law was that the Canadian Judicial Council might well refuse to hear a matter for the removal of someone who already had ceased to be a member of the tribunal by reason of the passage of time. It might be said, in that particular case, that through the accident of time it was not possible to follow the procedure which parliament had proposed. I would think it would be preferable not to submit to the scrutiny of the legislature the conduct of individual members of quasi-judicial tribunals such as this one. I would have to acknowledge that, for reasons of time, there is a lacuna in this instance, but reference to the Canadian Judicial Council is preferable.

Mr. Baker (Grenville-Carleton): I have a supplementary question, Mr. Speaker. I gather from the minister's statement that Mr. Bissonnette's time as a member of the Anti-Dumping Tribunal has not run out. We do not have a